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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,606	07/31/2001	Todd Jordan	HON 1448-021	5231

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EXAMINER

GORMAN, DARREN W

ART UNIT PAPER NUMBER

3752

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,606

Applicant(s)

JORDAN ET AL.

Examiner

Darren W Gorman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-35 is/are allowed.
- 6) ☐ Claim(s) 19, 20, 22-27 and 36 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The replacement drawing (Figure 3) was received on October 31, 2003. The drawing is acceptable.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of "said speed controller" is not consistent with being dependent on claim

23. It is unclear as to which claim Applicant intended claim 36 to depend from.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19, 20, and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Thurner, USPN 4,721,150.

Thurner shows a device (see Figures 1-3) for supplying a spray emitter (14,16) for a die casting machine (10,12) with at least one sprayable material for the purpose of cooling, cleansing, and lubricating die casting molds (18,20), the device comprising: more than one source of sprayable material (26,28, 44) provided at atmospheric pressure (1 atm) and located remotely from the emitter(s), the source(s) connected to the emitter(s) by a series of conduits (30,32,36,42,68,70,108,134,50,52) located therebetween, a chamber (110) at a point between the source(s) of sprayable material and the emitter(s) such that the series of conduits passes therethrough allowing each of the sprayable materials to pass through the chamber, a force-exerting cylinder (114) for exerting a force on the chamber (see column 6, lines 47-57), a control device (manual or electronic) which controls the opening or closing of a reversing valve (142,144) to selectively supply a source of compressed air (126) for actuating the force-exerting cylinder in preparation for operation of the emitter(s), the electronic control means including (optionally) providing an electromagnetically operable solenoid valve embodied as the reversing valve (142,144) (see column 6, lines 47-49; and column 7, lines 9-12), whereby the force-exerting cylinder exerts a force on the material in the chamber as required to cause the material to be consistently transported to the emitter(s) at a substantially constant predetermined pressure (see column 6, lines 47-68, through column 7, lines 1-22). The device of Thurner further discloses that the sprayable material of increased pressure within the chamber is prohibited from flowing from the chamber to the source(s) by spring-loaded check valves (86,88) (see column 5, lines 35-42). Thurner further shows that the device can selectively supply any one or combination of sprayable materials for passing through the chamber, via an adjustment of valve (34) or mixing valves (38,40).

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Regarding the claims as being drawn to a method of ensuring that the sprayable material is consistently supplied to the emitter at a sufficient pressure, the apparatus as shown by Thurner is capable of performing the method or steps recited in the claims.

Allowable Subject Matter

6. Claims 28-35 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, alone or in combination, did not teach or fairly suggest the method of ensuring that an emitter of a mold spraying is able to consistently spray one or more sprayable materials onto a mold or die at an adequate pressure, the method comprising locating a pressure boosting device including a regulating means for controlling the amount of force that the force exerting cylinder exerts on the sprayable material(s) within the chamber, together with the other claimed steps as set forth in claim 28.

8. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to claims 19-23 have been considered but are moot in view of the new ground(s) of rejection.

With regard to Applicant's argument that the source(s) of sprayable material of Thurner

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is "not pressurized prior to reaching pump", this office believes that a source of sprayable material provided at standard atmospheric pressure (1 atm), meets the limitation of "a pressurized source of said sprayable material". For this reason, the source of sprayable material shown by Thurner meets the limitation of claim 19, since these materials are not provided in a vacuum or negative pressure state.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 703-306-4205.

The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Darren W Gorman
Examiner
Art Unit 3752

DWG 1/27/04
DWG
January 27, 2004


MICHAEL MAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700